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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,582

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07/02/2007

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/046,582

Applicant(s)

BELLOTTI ET AL.

Examiner

Douglas B. Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/19/07 and 1/27/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 3-5 and 7 are currently pending. The applicant's amendment of claim 4 is sufficient to overcome the previous claim rejection. The rejection of the claims based on 35 USC section 112 2<sup>nd</sup> paragraph is withdrawn in view of the applicant's clarifying remarks.

### ***Response to Arguments***

2. Applicant's arguments filed 4/19/2007 have been fully considered but they are not persuasive.

3. The applicant first argues that:

Specifically, Applicants respectfully assert that Gupta, at col. 3, lines 1-8, merely discloses an annotation creation and notification system within an electronic mail system. One or more annotations can be created by forwarding an email thread to the annotation server. Upon receiving an email thread, the annotation server creates new annotations within all of these email messages, either individually or as a group. The title field (190) contains title information. The title is generally determined by the user and can be entered as ASCII text or as HTML code. However, Gupta fails to disclose or suggest a system for managing and tracking information items within a message-based system including information items having metadata that classifies the items into at least one of the group of a deadline, a reminder, a deferral and an obligation. Gupta merely discloses the use of a timeline which indicates only start and end times of media files. Gupta's timeline corresponds with the start and end times of media streams and not with the priorities or events of particular information items, as featured in independent claim 3 and similarly featured in claims 5 and 7.

The Examiner disagrees with this assessment. The cited portion of Gupta clearly shows a deadline (See, col. 8, lines 51-54). The annotations are considered reminders and obligations, given the applicant's non-limiting definition of an obligation (See, col. 2, lines 29-31 of Gupta). Furthermore, the applicant's claims have absolutely nothing to do with "priorities and events of particular information items" as alleged so it is unclear why the applicant is arguing that they do.

4. The applicant then argues that:

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Accordingly, Applicants assert that Gupta fails to disclose or suggest a system for managing and tracking information items within a first message-based system, including a thrask generating module generating a plurality of thrasks, each of the thrasks including at least one information item assigned a set of metadata, wherein the metadata is updated based on at least one of user input, archived data in a database, time and progress, as recited in independent claim 3 and similarly recited in claims 5 and 7.

Again, the Examiner disagrees with this assessment. Gupta clearly shows user input in the form of creating the annotations (col. 4, lines 42-45). The annotation server is clearly archiving the data in a database (col. 7, lines 50-56). Col. 8, lines 28-54 clearly show “time” and “progress”.

5. During the interview on 4/9/2007. The Examiner suggested that the claims be amended to “point out the relationship of the metadata in the thrask and the processing of the thrask” and the Examiner suggested that “the applicant provide remarks which clarify the interpretation of a thrask in the next response”. The applicant failed to follow any of this advice. Consequently no interviews will be granted After Final in this application.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 3-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,917,965 to Gupta et al.

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8. As to claim 3, Gupta teaches a system for managing and tracking information items within a first message-based system, the first message-based system being one of a set of message-based systems within a workgroup, the first message-based system having a viewer, the system comprising: (a) a thrask generating module generating a plurality of thrasks (col. 3, lines 1-8), each of the thrasks including at least one information item the is assigned a set of metadata, the metadata including at least one of the group of a deadline, a reminder, a deferral and an obligation (col. 8, lines 18-31 and 46-54); (b) a sorting module sorting a new information item into one of the thrasks in accordance with at least one criterion (col. 9, lines 11-24); (c) a display module displaying one or more of the thrasks and at least one of the metadata of each of the information items in each of the displayed thrasks in the viewer (col. 11, lines 1-4); and an updating module updating the thrasks and at least one metadata based on at least one of user input, archived data in a database, time and progress (col. 10, lines 16-18).

9. As to claim 4, Gupta teaches the system of claim 3 wherein the first message-based system has different capabilities than at least one in the set of message based systems (the Gupta invention has different capabilities than a regular email system).

10. As to claim 5, Gupta teaches a method for managing and tracking information items within a first message-based system, the first message-based system being one of a set of message-based system within a shared workgroup, the message-based systems being synchronized periodically with a shared workgroup component on a server, the first message-based system having a viewer, the method comprising the operations of: (a) generating a plurality of thrasks (col. 3, lines 1-8), each of the thrasks including at least one information items having a set of metadata (col. 7, line 62-col. 10, line 5, this section defines the set of metadata);

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(b) sorting a new information items into one of the thrasks in accordance with at least one criterion (col. 9, lines 11-24); (c) displaying one or more of the thrasks and at least one of the metadata of one of the information items in one of the displayed thrasks in the viewer (col. 11, lines 1-4); and (d) providing a shared view of some of the thrasks to a subset of the message-based systems within the shared workgroup in response to a user selection of an option (col. 12, lines 11-23) and an updating module updating the thrasks and at least one metadata based on at least one of user input, archived data in a database, time and progress (col. 10, lines 16-18).

11. As to claim 7, Gupta teaches a system for managing and tracking information items within a first message-based system, the first message-based system being one of a set of message-based systems within a shared workgroup, the message-based systems being synchronized periodically with a shared workgroup component on a server, the first message-based system having a viewer, the system comprising: (a) a thrask generating module generating a plurality of thrasks (col. 3, lines 1-8), each of the thrasks including at least one information item having a set of metadata (col. 7, line 62-col. 10, line 5, this section defines the set of metadata); (b) a sorting module sorting a new information items into one of the thrasks in accordance with at least one criterion (col. 9, lines 11-24); (c) a display module displaying one or more, of the thrasks and at least one of the metadata of one of the information items in one of the displayed thrasks in the viewer (col. 11, lines 1-4); and (d) a sharing module providing a shared view of some of the thrasks to a subset of the message-based systems within the shared workgroup in response to a user selection of an option (col. 12, lines 11-23).

### ***Conclusion***

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12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

DBB



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER